App F IX 4]

1924-25 Mc File No 56-24

Previous References
Mc 45-18-255 (Mc)

Serial Nos 253, 271/42

Later references
Mc 65-75-1-10

Preserve

GENERAL & REVENUE SECRETARIAT

Serial Nos

Part B for Mayors

SUBJECT

Instructions on certain points re the
after rem- appeal Presidents & Vice Presidents of
Towns and Minor Mupl Councils with
the new rules issued by Govt in Feby 25

Mc 8285/19/1925 to D.C Hassan
States that under the proviso to Rule 1 of the
Election rules of 28th Feby 25, the election
should be held at the meeting of the council a
the occurrence of vacancies.

H E Phipps

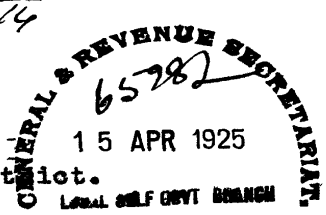
42031

Office of the Deputy Commissioner,
Hassan District,

No. Lo 4402-24 Dated Hassan, the 15th April 1925.

From

R. Nanasamy Rao, Esquire.,
Deputy Commissioner, Hassan District.



To

B. Nagappa, Esq., Bar-at-Law.,
Secretary to Government,
Local and Legislative Departments,
B a n g a l o r e.

Rev 56-24-253

Sir,

Subject:- Requesting instructions on certain points re· the election of the non-official Presidents and Vice Presidents of Town & Minor Municipal Councils with reference to new rules issued with G O. No.6342/Ml. 56-24-233 dated 28th February 1925.

I have the honor to state that the term of office of Mr. H. Boranna as Non-official President of the Hassan Town Municipality sanctioned in G O No.L.9489/Ml 60-23-100 dated 11th June 1924 will expire in June 1925 and the President has to be elected afresh.

2. Under para 1 (b) of the revised Election Rules issued with G O. No.L.6342/Ml.56-24-233 dated 28th February 1925, the election of a new President or Vice President of a Municipality other than a city Municipality, has to take place at a meeting held not later than one month from the date of occurrence of the vacancy. The practice hitherto in vogue in this District has been to hold the election of the President or Vice President a little before the occurrence of the vacancy, so that the election might be approved by Government in time and the new incumbent might assume charge of the office as soon as it falls vacant.

I request to be kindly informed whether the above pro- may continue or the election should take place only after t· place actually falls vacant If the election has

to be held only after the expiry of the term, as the Rules seem to imply as they stand, I request the favour of instructions as to who should be in charge of the Municipality pending fresh election when the terms of both the President and Vice President expire simultaneously.

I have the honor to be,

S i r,

Your most obedient servant,

Deputy Commissioner,
(Absent from Headquarters)
Hassan District.

A.S.

Draft reply sent for approval. There is no objection to fix the date of the meeting for electing the President & Vice President the next day on the expiry of their terms of office, the only thing that the election cannot take place before the expiry of the term of office of these

17/4/25

2) Under Rule 1 of the revised rules and proviso thereto, it seems to me that the election can take place only within 1 month after the vacancy occurs, provided not less than 15 days notice will have been given to the members

Serial No

[redacted] the Office of the President [redacted] vacant, the notice of meeting may be given by the Chief Executive Officer of the Municipal Council wherever he may be

3) Under Rule 23A, the Municipality - except when otherwise expressly provided by the Municipal Council and if the Municipality has not already got an executive officer, may be appointed by it for being in charge of the Municipality pending appointment of President or his President by election.

2 pages

The points on which instructions are sought by us are as following -

1) Whether the election of a President or Vice-President should be held according to the new rules after a vacancy actually occurs.

2 Who has to issue notice provided in the proviso to rule I in the absence of a President or Vice President for the time being

3) On the 1st point the new rules contemplate the holding of election after the expiry of the term of the President's office - Presently. This is clear from the expression 'by the President for the time being' as used in the proviso to Rule I

NOTE—Contn Sheet

MA File No 56 of 19 24 General and nue Secretaria

Serial No

b) Then new Rules were framed in Tamil Nadu of an unofficial Committee in the election of Rajya Sabha as Parliament of the Tamil Nadu Assembly, Bangalore

1) The Rules calling for a petition was filed before the Secretary of the Election Commission of India to extend the election was held a day after the expiry of the term of Council - which did not to which Calling for the meeting of the Tamil Nadu Assembly the Parliament of the new Council that the election was vitiated by material irregularity.

The object of the new Rule was to be that the President or Vice-President in office should not become the Chairman of the Council of Ministers in exercising the right of voting.

There is to law in election of Members of Parliament In such case to Parliament is dissolved & the executive functions are carried on by the Prime Minister & election article after the members have vacated their seats & functioning influence in their Constituencies

On this principle, I think that the present rule is framed Hence it is desirable that in case of Govt. that the election proceedings should be held after the occurrence of a vacancy

Serial No 8

As to 2nd point, a fresh Executive office has to be appointed by the Council to carry on the executive duties devolving on the ~~re-instituted~~ Council who has been restored the powers of ~~them~~ C[ouncil] under Sec 23 A of Mun Regn

9) The office to give the notice of calling first meeting ~~after~~ under proviso to Rule I

8641/25/4

II ~~no~~ hrg 8641/25/4 W

Sec 52(1) lays down that a City Council may appoint a Chief Officer, ~~at~~ the Executive ~~Officer~~ cannot be presumed that a City Council may appoint one without one Executive on account of 23(a)

11) I think that the Council may be asked to nominate an official or Head as Chief Officer for Election by Govt, to help the functions during interregnum of your Election rule. Which as I said are not papa will have to show the procedure clearly by the rule. addn I suggest

12) ~~Yes~~ The Govt does not accept this as the ~~Chief~~ Executive Officer by rule

Ad hoc 27 4/25

NOTE—Contn Sheet

APP. F III—2]

65

File No. 56 of 1924

General and Secretariat.

Serial No

1st) Please type in duplicate

2nd) Draft Rules - Please submit a typed draft in usual manner

3rd) Typed draft Rules submitted

4) The matter will be discussed with the Standing Committee for Consideration as regards election of Members or Vice Presidents

5) As regards the administration of the Municipal Council during the interregnum & amendment of rules or regulations required in the matter the question will be worked up after the above draft issues.

6) Draft may issue

per BM 15/5

Draft Rules submitted

Draft may issue

9 v 41 14/5

General and Revenue Secretariat

MM File No 57 of 19 21

Serial No

27 ~~Hon'ble Mr S Ramanathan~~, Hassan

~~The question that rule 14(b) of the~~ Revenue rules for the election of Presidents and Vice-Presidents of Town and Minor Municipal councils may be slightly amended

1) Under Section 23(6) of the Municipal Regn the term of Presidents and Vice-Presidents of Minor and Town Municipal councils is one year unless the term of the council expires sooner New elections will have, therefore to be held every year to elect Presidents or Vice-Presidents

2) Rule ~~14(b)~~ of the election rules ~~contained in~~ notfn of 28-2-21 ~~provides that the election shall take place after the ordinary~~ in the office of President or Vice-President actually ~~over~~ Mr. Ramanandaiya suggests that new elections may take place before the expiry of the term of the existing incumbents so that the newly elected gentlemen may enter on their duties on the dates on which the term of the existing incumbents expires and the interregnum occurring ~~may be~~ avoided.

3) ~~4)~~ The point for consideration is whether it is legal or

Flag B

Serial No

petition for a Bill
as soon as possible after the Presidential election
in anticipation of it.
As in the Bill already
for further amending the Electoral
Regn provision has been made
for the term of the President
Vice-President being coterminous
with that of the House concerned
it is also a point for consideration
as to whether the Rules require
any modification, if there is
objection on legal grounds to
suggestion of arrangement

2) This
has been raised in another file
& may be considered
with that of Limited Editions

L. Lucas)
23/

Yrs 28/10/44
Kenyon

AS 12/5/45

Please put up
file in wh the
last letter was
put but bring
before any
is noted

6

This is with
PRO now

12

F III–21

6528 7/80

5

General and Revenue Secretariat

Jud File No 56-24

Serial No.	
278	The D C Hassan No L8 9855 dt 19/5/78 states that the election proceedings should be held at the nearest office after the occurrence of the vacancy, & that notice may be issued by the Chief Executive officer of the nearest 24) Draft issued and file submitted with reg to paras 17 and 22 DS JWK 20/5/78 20/5/78 25) Please see para 11 of the notes. The said member has directed that the Union council may be asked to nominate an individual or official to fulfil the functions (of the President and Vice President) during interregnum and that appropriate rule should be added to the Rules for the election of Pres and Vice-Presidents. 27) In this connection it is stated that no individual or official can be appointed to exercise the functions of a President Vice-President without an a-
DS to submit draft on the 27/5	

Contn Sheet

ment of the Naval Regn and that the matter can not be disposed of by a mere Rule. An amendment of the Naval Regn for this purpose will be unnecessary as provision has been made in the Bill recently published for making the terms of the President and Vice-President co-terminous with that of the Naval Council concerned and the Adj General will be present during intervegnum.

Serial No

28) With regard to the suggestion of Mr. N S. Nanjundaraja that the Naval councils may be permitted to elect Presidents and Vice-Presidents in anticipation of vacancies kind reference is invited to para 7 of the D and L Secy's note above and to para 21 of the Office notes

29) In such circumstances the amendment of either the Regn or the Rules appears necessary.

25/7/25 25/7/25

General and Revenue Secretariat

MA File No 56 of 19 24

Serial No

30) If it is still considered necessary that Kazi Shibli Nu'mani should be consulted in regard to any incidental additions which may be made by the Council in the name of the Council, the provisions of Chapter XIII of the Regulations in regard to the appointment of a Chief Officer may be made applicable to the Council concerned, or to all the Rural Councils. Where necessary the Council may provide for appointing a Chief Officer during the period of vacancy in the Presidentship. The Head Clerk will charge of application for appointments which before that time may be the duty of the appointment.

2 2 Secy)
II May

31 Ld Legs opinion may be noted

Strachey, (1) whether Legislative Council (2) Whether

G.R.S III-21

File No 5405/24 of 19

General and Legislative Secretariat

Serial No

Mr Davidson can put to the Hon from letter D.C. & (3) Letter a general Circular Enfld Amen proceedings as ~~Stamps~~ is not necessary unless draft make down up

Ag
17/6/25

Ag
17 6

34) Item (1) is a matter to be noted upon within the Ag Asst Secy of the Political Branch This will be sent to that Branch for opinion whether or this point will be attended to upon the opinion as received on item (1)

& Secy)

Ag
19/6

Pol Branch)

Ag
19/6

35) In a matter like this a Members of the Legislative Council, has no locus standi, as such to address Govt A member's rights or limits to asking questions, moving resolutions &c during a Session of the Council & outside that period, he is entitled to get certain publications & address Govt free of postal Charges but only with regard to matters appertaining to the Council or him as a member (e.g. Pol Hist &c)

Ag
19-6

NOTE—Contn Sheet

Serial No

36) Letters of the kind in question stand on the same footing as petitions or representations of private persons, except of the suggestions of Members of the Council as to the improvements in the habit of writing such suggestions which may may not be acted upon If treated as a petition, it requires a Stamp & if as a mere letter, postal Charges should be paid

L to L Secy)

Secy 27/6

Secy 27/6 Secy 27/6

(2) To be replied by Member

(3) To be replied by Ass. Secy

37) As regards point (1) of the Member's note please see note of the Assn Secy P B atm

38) With regard to point (2), a reply has perhaps to be given by the Govt as such communication was addressed to Govt

39) With reg to point (3) it is seen that there are only 3 Municipalities (Municipalities) which have elected Assts and a general circular does not appear to be necessary in a few Cases and the reasons which [illegible] rare. Such cases come up in the Secretariat Minutes, they may perhaps be dealt with on their merits

116 4/7

40) L to Secy)

BUBI 25 40)

25 1/7 8/7 20/7

Sheet

WD 211

General and Secretariat

M File No 56 of 19 24

Serial No.

71

42)

43) It is not intended to ask Local Govt to reply in such cases. Please see para 38 above.

The papers perhaps be recorded.

GENERAL & REVENUE SECRETARIAT
JUL 1925

5 59

Hassan Dated 7th May 1925

From

N. S. Manjundiah, Esqr.,
Member, Mysore Legislative Council,
H á s s a n.

GENERAL & REVENUE SECRETARIAT
11 MAY 1925

To

B. Nagappa, Esq., Bar-at-Law.,
Secretary to Government of His Highness the
Maharaja of Mysore, Local & Legislative Deptts.,
B a n g a l o r e.

SECTION

Rel 56-24-271

Sir,

I have the honor to invite attention to G O No L 6342/M1. 24-233, dated 28th Feby 1925, published at page 120 of Part II A of the Mysore Gazette dated 12th March 1925 and point out that in the case of Municipal Councils where the Office of the President or Vice President falls vacant by expiry of term of his one year's office, under clause (b) of Rule (1), an interregnum is made inevitable at least twice during the term of three year's duration of the Council as the elections of these office bearers should take place annually. This, I think, is uncalled for and embarrasses the work of the Council to a large extent. By way of illustration, I would take the case of the Hassan Municipal Council The President who was elected during the first year of the constitution of the Council, confirmed during the 2nd year also and now the third year is coming in soon. I do not see why the election for the next year also should not take place in time before the expiry of his term of office during the current year also, so that final orders of Government may be obtained before hand in time so as to enable the newly elected President to enter on the duties on the day following the expiry of the term of the office of the present incumbent, so that the interregunm may be avoided. Further if

the same incumbent be reelected nothing should prevent continuing confirming in office so that there may be no break in the continuity of the office of the President. The same thing applies to the case of the Vice President also.

Besides this, another situation arises. If for ins the President's term expires, and an interregnum follows not know if the Vice President would be deemed to be Presi in charge, or the Deputy Commissioner would step in. I w suggest that the rule may be suitably modified so as not to necessitate this interregnum in the case of office bearers term of annual term expires by efflux of time so that the election may be allowed to take place early enough so as t be able to obtain the orders of Government before the expiry the term of office of such incumbent. A slight amendment of rule (1) (b) will in my opinion suffice and meet the exigencies pointed out above.

I have the honor to be,
Sir,
Your most obedient servant,

Member,
Mysore Legislative Council,
Hassan

L 8285/d 19-5-25
Mk 56-24-278

To

The Deputy Commissioner,

Hassan (Hassan) District

Sir,

With reference to your letter No. L.S G. 402/24, dated the 13th/14th April 1925, regarding the election procedure to be followed when the terms of both the President and Vice-President expire - - simultaneously as in the case of the - - Hassan Town Municipal Council, I am directed to state that under the proviso to - Rule 1 of the election rules of 28th - February 1925 the election proceedings should be held at the meeting of the -- Council after the occurrence of the - - vacancies. The notice of the meeting - required to be issued under the proviso to Rule 1 may in the absence of both the President and Vice-President, be - issued by the Chief Executive Officer of the Municipal Council i e , by the Sanitary Inspector or Overseer if he is the senior - - among the Executive staff of the council and the intimation as regards candidature under Rule 2 and Notification of - names of candidates under rule 3 may be given to and made by the said Executive Officer As regards the question of - - presiding over the meeting, attention is invited to section 26, sub-section (5) Necessary action may be taken in - - accordance with the above directions

I have etc ,

L L Secy to Govt

15/5

15/5

R. S. 59 GPB—15 000—20-12 13

GENERAL AND REVENUE SECRETARIAT

1914

(Mercn)

File No. 148 of 14

Serial Nos. 3 & 4

Papers Filed.

Month Feby 15

SUBJECT

Re- appointment of S Kesavachar, late Sheristadar of the Sagar Sub Division, as a clerk on Rs 10/- in connection with the compilation of Inam Quit-rent registers

PREVIOUS REFERENCES	LATER REFERENCES
Memo 7 148-14-2	469-15
S Kesava Rao 25/2/15	